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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Raphael Quinet

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EXAMINER

SEYE, ABDOU K

ART UNIT

PAPER NUMBER

2194

MAIL DATE

DELIVERY MODE

06/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,979	Applicant(s) QUINET ET AL.	
	Examiner Abdou Karim Seye	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

8DETAILED ACTION

Response to Argument

1. Claims 1-16, and 19-24 are pending in this application.

Allowable Subject Matter

2. Claim 5 is objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-4, 6-16, and 19-24, are rejected under 35 U.S.C. 103 (a) as unpatentable over Bhagwat et al. (US 6563517) in view of Ferguson (US 20020178232).

5. As to claim 1, Bhagwat teaches the invention substantially as claimed including a method, in a communications network (FIG. 1), of controlling an object transfer from a first component to a second component remote from the first component (FIG. 2/3; abstract; col. 3, lines 5-15), wherein the object transfer is based on a plurality of object requests relating to objects referred to in one or more codes (col. 1, lines 52-60; wherein the object code is transcoded/processed) to be processed by the second or another component of the communications network, the method comprising steps of:

utilizing an intermediate component positioned between the first and the second component (190, FIG. 1; col. 2, lines 46-67; col. 1, lines 39-42) for:

sending an object request to the first component (FIG. 1; col. 2, lines 50-55; request for download of image data to a client device);

receiving the requested object from the first component (FIG. 1; col. 2, lines 49-55);

estimating traffic over a link, comprising a number of connections, between the intermediate component and the second component to determine whether the link is fully used (380, FIG. 5; col. 4, lines 64-67; col. 9, lines 15-25; FIG. 6; FIG. 10; col. 10, lines 55-67; col. 8, lines 1-20).

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an analysis of at least one of the object request and the code that refers to the requested object (col. 6, lines 24-30; col. 3, lines 32-40);

delaying the requested object or forwarding the requested object to the second component (FIG. 6; col. 7, lines 62-67).

6. Bhagwat does not explicitly teach suspending the connection and dynamically assigning a priority to the requested object.

7. Ferguson teaches prioritizing request and suspending connection to item (paragraph (60; 85; FIG. 11; paragraph 135).

8. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bhagwat's invention with Ferguson's to provide a mechanism for prioritizing requests and suspending connection of items, because it would improve the efficiency of Bhagwat's system by reducing user's wait time for downloading ,and therefore to reduce connections cost associated with using the internet.

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9. As to claim 2, Bhagwat teaches , wherein the delaying is performed such that an order in which the objects are received from the first component differs from the order in which the objects are forwarded to the second component (FIG. 2/3; col. 3, lines 5-20).

10. As to claim 3, Bhagwat teaches, wherein the object request is received from the second component or generated by the intermediate component (FIG. 2/3).

11. As to claim 4, Ferguson teaches, wherein delaying of the requested object includes at least one of instructing the second component to repeat the object request, suspending a connection to the second component via which the requested object is to be forwarded, and informing the second component that the requested object will automatically be forwarded at a later point in time (Paragraph 135).

12. As to claim 6, Bhagwat teaches, wherein requested objects are forwarded via the number of connections to the second component, based on comparing the average throughput of the number of connections to the second component to an amount of data that is currently cached or buffered in the intermediate component (FIG. 6; col. 7, lines 55-67; col. 8 ,l ines 1-15).

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13. As to claim 7, Ferguson teaches, wherein selected ones of the number of connections to the second component are suspended dependent upon the priorities of the requested objects that were received from the first component and that are to be forwarded via the selected ones of the connections (paragraph 135).

14. As to claim 8, Bhagwat teaches, further including the step of dynamically allocating a specific share of processing capabilities to each of the number of connections (FIG. 4; col. 5, lines 12-20).

15. As to claim 9, Bhagwat teaches, further comprising: sending a code request to the first or a third component; receiving the requested code from the first or the third component;
analyzing the received code with respect to references to objects; assessing the references to objects with the purpose of assigning initial priorities to the objects referred to in the received code (Fif. 2; col. 3, lines 5-22).

16. As to claim 10, Ferguson teaches, wherein upon receipt of a response containing the object requested from the first component, the response is evaluated with respect to the received object's priority in order to determine whether or not the initial priority of the received object has to be updated (paragraph 101).

17. As to claim 11, Ferguson teaches generating a priority list that contains priority information for individual objects or classes of objects (abstract).

18. As to claim 12, Ferguson teaches repeatedly assessing the priority list with respect to at least one of updating priority information, deleting objects or classes of objects and corresponding information, from the priority list (paragraph 53; 101).

19. As to claims 13, Bhagwat teaches, wherein the steps are performed by a proxy component situated on the first component, on the second component or configured as a separate hardware component of the communications network (FIG. 1) .

20. As to claim 14, 19, 20 and 22, they are rejected for the same reasons as claim 1 above.

21. As to claim 15-16, 21 and 23-24, they are rejected for the same reasons as the claims above.

Response to Arguments

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22. Applicant's arguments filed on April 16, 2009 have been fully considered but they are not persuasive.

23. In the remarks applicant argue in substance that :

(1)The combination of Bhagwat, and Ferguson failed to teach the subject matters “ estimating traffic over a link, comprising a number of connections, between the intermediate component.....suspending a connection to avoid wasting bandwidth”.

24. Examiner respectfully disagreed with applicant's remark.

As to point (1) See paragraphs 5-8 above. Bhagwat teaches an estimator module including a monitor/estimator 1010 estimating traffic over connections/links between the proxy/intermediate component and the web servers/second component (FIG. 10; col. 10, lines 55-67; FIG. 6; col. 8, lines 1-18). Ferguson discloses suspending/items/requests/ connections (paragraph 60; 85; 135). Therefore, the combination of Bhagwat and Ferguson meet the claimed limitation of “estimating traffic over a link, comprising a number of connections, between the intermediate component.....suspending a connection to avoid wasting bandwidth”.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Souh Hyung can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. SOUGH/
Supervisory Patent Examiner, Art Unit 2194
06/09/09

/Abdou Karim Seye/
Examiner, Art Unit 2194